

Statement on Signing the North Korean Human Rights Act of 2004
October 18, 2004

Today, I have signed into law H.R. 4011, the “North Korean Human Rights Act of 2004.” The Act is intended to help promote human rights and freedom in the Democratic People’s Republic of Korea.

Section 107 of the Act purports to direct negotiations with foreign governments and international organizations. The executive branch shall implement section 107 in a manner consistent with the Constitution’s

grant to the President of the authority to conduct the foreign affairs of the United States.

GEORGE W. BUSH

The White House,
October 18, 2004.

NOTE: H.R. 4011, approved October 18, was assigned Public Law No. 108–333.

Statement on Signing the Department of Homeland Security
Appropriations Act, 2005
October 18, 2004

Today, I have signed into law H.R. 4567, the “Department of Homeland Security Appropriations Act, 2005.” The Act provides funds to protect the United States against terrorism and to carry out other departmental functions.

The executive branch shall construe as calling solely for notification the provisions of the Act that purport to require congressional committee approval for the execution of a law. Any other construction would be inconsistent with the principles enunciated by the Supreme Court of the United States in *INS v. Chadha*. Such provisions include the purported approval requirements in the appropriations for expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project; customs and border protection automated systems; immigration and customs enforcement automated systems; operations, maintenance, and procurement of marine vessels, aircraft, and other related equipment of the air and marine program; United States Secret Service protective travel; and in sections 504 relating to unob-

ligated balances, 508 relating to training facilities, and 510 relating to prospectuses.

Under the heading “Customs and Border Protection,” the Act purports to require the Bureau of Customs and Border Protection to relocate its tactical checkpoints in the Tucson, Arizona, sector at least an average of once every 14 days. Decisions on deployment and redeployment of law enforcement officers in the execution of the laws are a part of the executive power vested in the President by Article II of the Constitution. Accordingly, the executive branch shall construe the relocation provision as advisory rather than mandatory.

The executive branch shall construe the provision relating to the Coast Guard under the heading “Acquisition, Construction, and Improvements” that purports to require inclusion of an amount for a particular purpose in the President’s proposed budget for fiscal year 2006, in a manner consistent with the President’s exclusive authority under the Constitution to recommend for the consideration of the Congress such